

## **REMARKS**

### **I. Status of the Claims**

Claims 1-4 are pending in this application. Claim 1 has been amended to clearly define that both layers A and B contain a thermoplastic resin. Support for this amendment can be found in the original specification at, for example, page 3, lines 9-11. Claim 1 is further amended to remove the method limitation “and is independently formed from a resin composition containing a thermoplastic resin.” This amendment adds no new matter.

All amendments herein are made without prejudice or disclaimer as to all deleted subject matter. The Applicant specifically reserves the right to pursue all deleted subject matter in one or more divisional and/or continuation application.

### **II. Rejections under 35 U.S.C. § 112, second paragraph**

Claims 1-4 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner asserts that the claims are indefinite because the term “rutile type titanium oxide” in claim 1 is unclear, rendering the claim vague and indefinite. However, one of ordinary skill in the art at the relevant time (i.e., the time of filing of the instant patent application) would know that titanium oxide exists as three different minerals, namely rutile, anatase and brookite. One of ordinary skill in the art would certainly understand exactly what rutile type titanium oxide is, i.e., “rutile type” titanium oxide refers to titanium oxide occurring as rutile. Therefore, “rutile type” titanium oxide is well known in the art and the use of this claim term does not render the claim vague and indefinite.

The Examiner also asserts that the phrase “each of the layers A and B has voids formed by drawing and is independently formed from a resin composition containing a thermoplastic resin” in claim 1 is indefinite. More specifically, the Examiner states that it is

unclear whether both layers or only one layer contains the resin composition. In response, without conceding the validity of the Examiner's rejection, claim 1 has been amended to more clearly define that both layers A and B contain a thermoplastic resin.

On the basis of these arguments, the Applicant contends that claims 1-4 as amended are definite and thus satisfy the requirements of 35 U.S.C. 112, second paragraph. Accordingly, the Applicant respectfully requests that this rejection be withdrawn.

### **III. Rejections under 35 U.S.C. § 102(e)**

Claims 1-4 are rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 6,846,606 to Laney et al. ("Laney"). The Applicant respectfully traverses this rejection, on the basis that Laney is not prior art against the instant patent application. More specifically, the filing date of Laney is December 21, 2003, and the priority application in the present case, JP2003-357480, was filed on October 17, 2003, more than one month prior to the filing date of Laney. In support of the Applicant's assertion, provided herewith is an English translation of JP2003-357480, showing the October 17, 2003 filing date. Accordingly, the Applicant respectfully requests that the rejection over Laney be withdrawn.

### **IV. Rejections under 35 U.S.C. § 102(b)**

Claims 1-4 are rejected as being anticipated by U.S. Patent Publication No. 2002/0098341 to Schiffer et al. ("Schiffer"). The Examiner asserts that Schiffer discloses each and every limitation of the rejected claims. The Applicant respectfully traverses.

As a first matter, although Schiffer discloses the use of titanium oxide as asserted by the Examiner (paragraph 0027, page 3), it does not disclose rutile type titanium oxide. The Applicant further notes that a disclosure of titanium oxide is not inherently a disclosure of rutile titanium oxide, i.e., titanium oxide is not necessarily rutile type titanium oxide. This is because, as stated above, titanium oxide exists as three different minerals, of which rutile type titanium oxide is only one.

Second, the Examiner points to Schiffer at p. 3, paragraph [0027] in support of her contention that Schiffer discloses titanium oxide with a vanadium content of 5 ppm or less" (see Office Action at p. 5). Frankly, the Applicant is confused about how the Examiner has reached this conclusion. Schiffer nowhere discloses titanium oxide with a vanadium content of 5 ppm or less. In order to anticipate this limitation of the instant claim, Schiffer must expressly or inherently disclose it. Clearly, there is no express disclosure of "titanium oxide with a vanadium content of 5 ppm or less." And, for the Examiner to rely on an inherent disclosure of titanium oxide with a vanadium content of 5 ppm or less, titanium oxide must necessarily always contain vanadium at less than 5 ppm. This is simply not the case here, and one of ordinary skill at the relevant time would understand this. Further evidence is provided in the instant specification as published (US 2007/0092710), at ¶¶ [0014] – [0015], which discloses that vanadium is found as a contaminant "coloring element" in titanium oxide that is not pure. As such, titanium oxide could contain virtually any amount of vanadium, or none at all, depending on its purity, and clearly does not have to contain vanadium at 5 ppm or less, as recited in instant claim 1. Accordingly, the Applicant contends that Schiffer does not disclose titanium oxide with a vanadium content of 5 ppm or less.

Moreover, titanium oxide exists as an inorganic filler in the film taught in Schiffer, which is a **breathable** film, unlike the film claimed in the instant claims, which is a **reflecting** film. This is an important distinction, because titanium oxide with a vanadium content of 5 ppm or less is incorporated into the instantly claimed film because it imparts high light reflectivity to the film. If the claimed film were breathable rather than reflecting, there would be no need to require a titanium oxide component with vanadium at 5 ppm or less, which, according to the instant specification as published, represents "high purity titanium oxide" (see instant specification as published at ¶ [0014]), which must be prepared using a method that yields such "high purity titanium oxide" (see instant specification as published at ¶ [0015]). Conversely, Schiffer discloses a breathable film rather than a reflecting film, and one of ordinary skill in the art would understand that the purity of the titanium oxide used as a filler in Schiffer is not important, because high light reflectivity would not be critical to a breathable film. This is

further evidence that the film taught in Schiffer does not contain titanium oxide with a vanadium content of 5 ppm or less. In summary, Schiffer simply does not disclose titanium oxide with a vanadium content of 5 ppm, as called for in instant claim 1.

Accordingly, at least because Schiffer does not disclose, either expressly or inherently, rutile type titanium oxide or titanium oxide with a vanadium content of less than 5 ppm, Schiffer does not anticipate instant claim 1.

In addition, claims 2-4 depend from claim 1. A dependent claim includes all the limitations of the claim from which it depends (and further limits the claim). Thus, because claim 1 is not anticipated by Schiffer, claims 2-4 are not anticipated by Schiffer, either.

Thus, for at least the reasons provided above, Schiffer does not anticipate instant claims 1-4, and this rejection should be withdrawn.

**CONCLUSION**

Each and every point raised in the Office Action mailed March 20, 2009 has been addressed on the basis of the above remarks. In view of the foregoing it is believed that claims 1-4 are in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

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**ATTACHMENT**